

House File 2157 - Introduced

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BY SALMON

A BILL FOR

1 An Act relating to access to a copy of an original birth
2 certificate by an adult adoptee, and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.24, Code 2018, is amended to read as
2 follows:

3 **144.24 Substituting new for original birth certificates —**
4 **inspection.**

5 1. If a new certificate of birth is established, the actual
6 place and date of birth shall be shown on the certificate. The
7 certificate shall be substituted for the original certificate
8 of birth. ~~Thereafter,~~

9 2. Following substitution of the original certificate of
10 birth with a new certificate of birth, the original certificate
11 and the evidence of adoption, paternity, legitimation, or sex
12 change shall not be subject to inspection except under order of
13 a court of competent jurisdiction, including but not limited
14 to an order issued pursuant to section 600.16A, as provided
15 in section 144.24A, or as provided by administrative rule for
16 statistical or administrative purposes only. ~~However,~~

17 3. Notwithstanding subsection 2, the state registrar shall,
18 upon the application of an adult adopted person, a biological
19 parent, an adoptive parent, or the legal representative of the
20 adult adopted person, the biological parent, or the adoptive
21 parent, inspect the original certificate and the evidence of
22 adoption and reveal to the applicant the date of the adoption
23 and the name and address of the court which issued the adoption
24 decree.

25 **Sec. 2. NEW SECTION. 144.24A Access to original birth**
26 **certificate — application — fees — contact preference form.**

27 1. Notwithstanding any provision of law to the contrary,
28 an adult adopted person who was born in this state and whose
29 original certificate of birth was substituted with a new
30 certificate of birth pursuant to section 144.24 based upon the
31 adoption, may apply for and obtain a noncertified copy of the
32 persons' original certificate of birth in accordance with this
33 section.

34 a. The adult adopted person shall be at least eighteen years
35 of age at the time the application is filed.

1 *b.* The adult adopted person shall file a written application
2 on a form and in the manner prescribed by the state registrar
3 with the state registrar requesting a noncertified copy of the
4 original certificate of birth.

5 *c.* Upon receipt of the written application and proof of
6 identification and payment of a fee, the state registrar shall
7 issue a noncertified copy of the original certificate of birth
8 to the applicant. At the time of such issuance, the state
9 registrar shall also provide to the applicant any contact
10 preference form completed and submitted to the state registrar
11 pursuant to subsection 2.

12 2. *a.* The state registrar shall develop a contact
13 preference form on which a biological parent may state a
14 preference regarding contact by an adult adopted person
15 following application for and issuance of the noncertified copy
16 of the original certificate of birth under this section. The
17 preferences available to the biological parent shall include
18 all of the following, from which the biological parent may
19 choose only one:

20 (1) "I would like to be contacted. I have completed this
21 contact preference form and am filing the form with the state
22 registrar. I may change this preference by filing a subsequent
23 contact preference form with the state registrar."

24 (2) "I would prefer to be contacted only through an
25 intermediary. I would like the following named individual
26 or entity to act as an intermediary. I have completed this
27 contact preference form and am filing the form with the state
28 registrar. I may change this preference by filing a subsequent
29 contact preference form with the state registrar."

30 (3) "I do not want to be contacted; however, my personally
31 identifiable information may be released if requested in
32 accordance with Iowa Code section 144.24A. I have completed
33 this contact preference form and am filing the form with the
34 state registrar. I may change this preference by filing a
35 subsequent contact preference form with the state registrar."

1 (4) "I request that all personally identifiable information
2 related to me be redacted from the original birth certificate.
3 I have completed this contact preference form and am filing the
4 form with the state registrar. I may change this preference
5 by filing a subsequent contact preference form with the state
6 registrar."

7 *b.* The contact preference form shall be provided to the
8 biological parent in accordance with section 600A.4.

9 *c.* Upon receipt of a completed contact preference form, the
10 state registrar shall attach the completed form to the original
11 certificate of birth.

12 3. Notwithstanding the provisions of subsection 2, in the
13 case of an adult person who was adopted prior to July 1, 2018,
14 the following shall apply:

15 *a.* A biological parent may submit a contact preference
16 form as specified in subsection 2 to the state registrar on or
17 before June 30, 2020.

18 *b.* On or after July 1, 2020, the adult adopted person
19 may apply for a noncertified copy of the person's original
20 certificate of birth and any contact preference form in
21 accordance with this section.

22 (1) If a contact preference form is submitted by a
23 biological parent on or before June 30, 2020, the adult adopted
24 person may obtain a noncertified copy of the person's original
25 certificate of birth and any contact preference form in
26 accordance with this section.

27 (2) If a contact preference form is not submitted by a
28 biological parent on or before June 30, 2020, the adult adopted
29 person's original certificate of birth shall remain sealed and
30 shall only be subject to inspection under order of a court of
31 competent jurisdiction, including an order issued pursuant to
32 section 600.16A, or as provided by administrative rule for
33 statistical or administrative purposes.

34 4. The state registrar shall adopt rules pursuant to chapter
35 17A to administer this section including rules relating to all

1 of the following:

2 *a.* Establishment of fees pursuant to section 144.46 for
3 issuance of the noncertified copy of the original certificate
4 of birth under this section.

5 *b.* The application form and proof of identification
6 requirements relative to application for a noncertified copy of
7 an original certificate of birth.

8 *c.* The contact preference form.

9 Sec. 3. Section 600.13, subsection 5, Code 2018, is amended
10 to read as follows:

11 5. An interlocutory or a final adoption decree shall be
12 entered with the clerk of court. Such decree shall set forth
13 any facts of the adoption petition which have been proven to
14 the satisfaction of the juvenile court or court and any other
15 facts considered to be relevant by the juvenile court or court
16 and shall grant the adoption petition. If so designated in
17 the adoption decree, the name of the adopted person shall be
18 changed by issuance of that decree. The clerk of the court
19 shall, within thirty days of issuance, deliver one certified
20 copy of any adoption decree to the petitioner, at no charge,
21 one copy of any adoption decree to the department and any
22 adoption service provider who placed a minor person for
23 adoption, at no charge, and one ~~certification~~ certified copy of
24 any adoption decree to the state registrar of vital statistics
25 to prepare a certificate of adoption birth as prescribed in
26 ~~section 144.19 to the state registrar of vital statistics at no~~
27 ~~charge.~~ Upon receipt of the ~~certification~~ certified copy of
28 the adoption decree, the state registrar shall prepare a new
29 birth certificate pursuant to [section 144.23](#) and deliver to the
30 parents named in the decree and any adult person adopted by the
31 decree a copy of the new birth certificate. The parents shall
32 pay the fee prescribed in [section 144.46](#). Upon receipt of the
33 certified copy of the adoption decree, the state registrar
34 shall also attach a copy of any contact preference form
35 included with the certified copy to the original certificate

1 of birth for the purposes of section 144.24A. If the person
 2 adopted was born outside this state but in the United States,
 3 the state registrar shall forward the certification of adoption
 4 to the appropriate agency in the state of birth. A copy of any
 5 interlocutory adoption decree vacation shall be delivered and
 6 another birth certificate shall be prepared in the same manner
 7 as a certification of adoption is delivered and the birth
 8 certificate was originally prepared.

9 Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph
 10 1, Code 2018, is amended to read as follows:

11 All With the exception of access to the original certificate
 12 of birth as provided in section 144.24A, all of the papers and
 13 records pertaining to a termination of parental rights under
 14 chapter 600A and to an adoption shall not be open to inspection
 15 and the identity of the biological parents of an adopted
 16 person shall not be revealed except under any of the following
 17 circumstances:

18 Sec. 5. Section 600A.4, subsection 2, Code 2018, is amended
 19 by adding the following new paragraph:

20 NEW PARAGRAPH. *Of.* Shall be accompanied by a contact
 21 preference form completed by the biological parent of the
 22 person to be adopted and attached to the original certificate
 23 of birth as provided in section 144.24A. The contact
 24 preference form shall be attached to any termination of
 25 parental rights order issued pursuant to section 600A.9.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
 28 the explanation's substance by the members of the general assembly.

29 This bill provides for access to an adult adopted person's
 30 original certificate of birth.

31 The bill provides that an adult adopted person who was
 32 born in this state and whose original certificate of birth
 33 was substituted with a new certificate of birth based upon
 34 the adoption, may obtain a noncertified copy of the person's
 35 original certificate of birth as specified in the bill.

1 These specifications include that the adult adopted person
2 is at least 18 years of age at the time the application is
3 filed and that the adult adopted person must file a written
4 application with the state registrar. Upon receipt of the
5 written application and proof of identification and payment of
6 a fee, the state registrar of vital statistics shall issue a
7 noncertified copy of the original certificate of birth to the
8 applicant. At the time of such issuance, the state registrar
9 must also provide to the applicant any contact preference form
10 completed and submitted to the state registrar. The contact
11 preference form, developed by the state registrar, is a form
12 to be completed and submitted by the biological parent stating
13 a preference regarding contact by an adult adopted person
14 following application for and issuance of the noncertified
15 copy of the original certificate of birth. The preferences
16 available to the biological parent include a choice of one of
17 the following: (1) "I would like to be contacted. I have
18 completed this contact preference form and am filing the form
19 with the state registrar. I may change this preference by
20 filing a subsequent contact preference form with the state
21 registrar." (2) "I would prefer to be contacted only through
22 an intermediary. I would like the following named individual
23 or entity to act as an intermediary. I have completed this
24 contact preference form and am filing the form with the
25 state registrar. I may change this preference by filing a
26 subsequent contact preference form with the state registrar."
27 (3) "I do not want to be contacted; however, my personally
28 identifiable information may be released if requested in
29 accordance with Iowa Code section 144.24A. I have completed
30 this contact preference form and am filing the form with the
31 state registrar. I may change this preference by filing a
32 subsequent contact preference form with the state registrar."
33 (4) "I request that all personally identifiable information
34 related to me be redacted from the original birth certificate.
35 I have completed this contact preference form and am filing the

1 form with the state registrar. I may change this preference
2 by filing a subsequent contact preference form with the state
3 registrar." The contact preference form is to be provided to
4 an individual who is in the process of terminating parental
5 rights and is to be attached to a release of custody and
6 the termination of parental rights order, which in turn is
7 attached to the adoption petition and the adoption decree.
8 A certified copy of the adoption decree, including any copy
9 of the contact preference form, is to be sent to the state
10 registrar for the purpose of, in addition to the preparation
11 of a new birth certificate, attaching the contact preference
12 form to the original certificate of birth. The bill directs
13 the state registrar to adopt rules pursuant to Code chapter
14 17A to administer the provisions of the bill including rules
15 relating to fees for issuance of the noncertified copy of the
16 original certificate of birth, the application form and proof
17 of identification requirements relative to application for a
18 noncertified copy of an original certificate of birth, and
19 the contact preference form. Fees established are subject to
20 Code section 144.46 including provisions requiring that fees
21 collected are to be deposited in the general fund of the state
22 and the vital records fund in accordance with an apportionment
23 established by rule.

24 The bill includes conforming changes in the Code. The
25 bill provides an exception to the provisions and penalties
26 relating to the opening of papers and records pertaining to a
27 termination of parental rights or an adoption, to allow for
28 access to the original certificate of birth by an adult adopted
29 person consistent with the bill.

30 Notwithstanding the provisions of the bill relating to the
31 preference form and the use of the preference form, the bill
32 provides that, relative to an adult person who was adopted
33 prior to July 1, 2018, when the bill takes effect, a biological
34 parent may submit a contact preference form to the state
35 registrar of vital statistics on or before June 30, 2020. On

1 or after July 1, 2020, the adult adopted person may apply for a
2 noncertified copy of the person's original certificate of birth
3 and any contact preference form in accordance with the bill.
4 If a contact preference form is submitted by a biological
5 parent on or before June 30, 2020, the adult adopted person may
6 obtain a noncertified copy of the person's original certificate
7 of birth and any contact preference form in accordance with the
8 bill. However, if a contact preference form is not submitted
9 by a biological parent on or before June 30, 2020, the adult
10 adopted person's original certificate of birth shall remain
11 sealed and shall only be subject to inspection as is provided
12 in the law prior to July 1, 2018, which provides that an adult
13 adopted person's original certificate of birth shall only be
14 subject to inspection under order of a court of competent
15 jurisdiction, including an order issued pursuant to Code
16 section 600.16A, or as provided by administrative rule for
17 statistical or administrative purposes.